IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 19831 of 2007(J)

PETITIONER:

VARGHESE C. PETER,
CHERUPARAMBIL, EAST KALOOR, THODUPUZHA.

BY ADV. SRI.BABU PAUL

RESPONDENTS:

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1. DEPUTY DIRECTOR OF EDUCATION,
THODUPUZHA.

2. ACCOUNTANT GENERAL,
OFFICE OF THE ACCOUNTANT GENERAL (A & E),
KERALA, TRIVANDRUM-39.

Addl.R3. THE STATE TEXT BOOK OFFICER, TRIVANDRUM
(Additional respondent no.3 impleaded as per order in I.A.9566/07 dated 18/7/07)

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON 18/07/2007 DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.19831 OF 2007

Dated this the 18th day of July, 2007

JUDGMENT

Grievance of the petitioner who is a retired Headmaster of an aided school is that his retrial benefits are being withheld without any justifiable or valid reasons.

2. It is on record that petitioner had retired from service on March 31, 2005. But according to the Department the delay in disbursement had occurred because it was noticed that there were certain liabilities to be discharged by the petitioner. It is contended by the respondents that the Text Books officer had reported that the petitioner, while he was working as Principal and teacher in charge in St. Sebastian Higher Secondary School, Vazhithala from June 1, 1999 to April 30, 2002, Department had suffered a loss to the tune of Rs.1,97,288/- due to failure to observe the guidelines in the matter. The above sum represented the value of the books which were kept in the school. Similarly, while the petitioner was working as Principal in the school at Karimannoor during

the period 2002 to 2005, a further loss of Rs.1,44,659/- was caused to the Department because of his failure in discharging his duties and responsibilities in a proper manner. At that time, he was in charge of text books. Petitioner contends that the above allegations are totally baseless and untenable.

3. Anyhow, these are matters which have to be considered at the departmental level. I am of the view that the request made by the petitioner for a direction to release his retrial benefits at this stage cannot be granted. However, finality has to be given to the above issue by the departments concerned expeditiously, particularly since petitioner had retired more than two years ago.

4. In the above facts and circumstances, the writ petition is disposed of with a direction to additional respondent no.3 to ensure that the proceedings, if any, contemplated against the petitioner in respect of the alleged liabilities proposed to be fastened on him are concluded as expeditiously as possible, at any rate, within two months from

the date of receipt of a copy of this judgment. The department concerned shall ensure that the petitioner is afforded sufficient opportunity to be heard in the matter. It will be open to the petitioner to raise all his contentions before the said authority. Petitioner shall produce copies of the writ petition and counter affidavit along with a copy of the judgment before the authority concerned for compliance.

Writ petition is disposed of in the above terms.

A.K.BASHEER, JUDGE

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